

REPUBLIC OF THE PHILIPPINES
House of Representatives
Quezon City

16th Congress
3rd Regular Session

HOUSE BILL NO. 6298



Introduced by Congressman Alfredo D. Vargas III

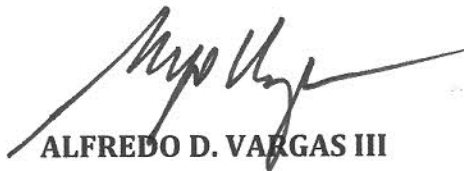
EXPLANATORY NOTE

Filipinos in Metro Manila are highly vulnerable to developing cardiovascular illnesses and respiratory diseases due to the worsening air quality in the region. According to the partial report of the National Emissions Inventory, 85% of air pollution in the National Capital Region comes from vehicles¹. While the Philippines has enacted laws to attain clean and healthy air quality, further policy review is still needed as these statutes have proven to be inadequate in solving the country's air pollution problem.

This bill seeks to amend the Philippine Clean Air Act of 1999. The current version penalizes the drivers and operators of motor vehicles in violation of the emission standards. These motor vehicles are mostly comprised of trucks and public utility vehicles. It can be assumed that the drivers of public utility vehicles are just employees of the owners and do not necessarily have the proper means and control over major repairs of the vehicles. With the driver held liable, owners are not compelled to make the necessary vehicle repairs or part replacements in order to comply with the emission standards. Therefore, the problem of smoke belching is not effectively addressed.

Thus, this bill proposes to transfer the liability for smoke belching from the driver and operator of the vehicle to the owner.

In view of the foregoing, passage of this measure is earnestly sought.


ALFREDO D. VARGAS III

¹ Macas, Trisha. 2015. *Metro Manila's air quality even worse this year*. GMA News Online. Retrieved from: <http://www.gmanetwork.com/news/story/509142/lifestyle/healthandwellness/metro-manila-s-air-quality-even-worse-this-year-data> [November 09, 2015]/

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AN ACT

AMENDING SECTION 46 OF REPUBLIC ACT NO. 8749 OTHERWISE KNOWN AS THE "PHILIPPINE CLEAN AIR ACT OF 1999" TO SHIFT LIABILITY FOR SMOKE BELCHING FROM THE DRIVER TO THE OWNER OF THE MOTOR VEHICLE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 46 of Republic Act No. 8749, otherwise known as the "Philippine Clean Air Act of 1999" is hereby amended to read as follows:

Section 46. Violation of Standards for Motor Vehicles. – No motor vehicle shall be registered with the DOTC unless it meets the emission standards set by the Department as provided in Section 21 hereof.

Any vehicle suspected of violation of emission standards through visual signs, such as, but not limited to smoke-belching, shall be subjected to an emission test by a duly authorized testing center for this purpose, the DOTC or its authorized testing center, shall establish a roadside inspection system. Should it be shown that there was no violation of emission standards, the vehicle shall be immediately released. Otherwise, a testing result indicating an exceedance of the emission standards would warrant the continuing custody of the impounded vehicle unless the appropriate penalties are fully paid, and the license plate is surrendered to the DOTC pending the fulfillment of the undertaking by the owner/operator of the motor vehicle to make the necessary repairs so as to comply with the standards. A pass shall herein be issued by the DOTC to authorize the use of the motor vehicle within a specified period that shall not exceed seven (7) days for the sole purpose of making the necessary repairs on the said vehicle. The owner/operator of the vehicle shall be required to correct its defects and show proof of compliance to the

appropriate pollution control office before the vehicle can be allowed to be driven on any public or subdivision roads.

IN ADDITION, OWNER OF THE APPREHENDED VEHICLE SHALL UNDERGO A SEMINAR ON POLLUTION CONTROL AND MANAGEMENT CONDUCTED BY THE DOTC AND SHALL ALSO SUFFER A PENALTY OF ONE (1) YEAR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION (MVR) AND A FINE OF TEN THOUSAND PESOS (P10,000.00).

Any violation of the provisions of Section 21 paragraph (d) with regard to national inspection and maintenance program, including technicians and facility compliance shall be penalized with a fine of not less than Thirty thousand pesos (P30,000.00) or cancellation of license of both the technician and the center, or both, as determined by the DTI.

All law enforcement officials and deputized agents accredited to conduct vehicle emissions testing and apprehensions shall undergo a mandatory training on emission standards and regulations. For this purpose, the Department, together with the DOTC, DTI, DOST, Philippine National Police (PNP) and other concerned agencies and private entities shall design a training program.

SECTION 2. Repealing Clause. – Any law presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 3. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,